

REMARKS/ARGUMENTS

Upon entry of the foregoing amendments, claims 1, 5-23 and 28-34 are pending consideration in the application with claims 1 and 23 being the independent claims. Claims 4, 27 and 35 are withdrawn. Claims 1, 11-13, 15, 23 and 29 are sought to be preliminarily amended. Claims 2, 3 and 24-26 are sought to be amended. These changes are believed to add no new matter, and their entry is respectfully requested.

Applicant's representative thanks Examiner T. Nguyen for the courtesy of a telephonic interview held 12/20/05. During the interview, Examiner Nguyen clarified Applicant's responsibilities in connection with the Election/Restriction Office Action dated 12/14/05. Specifically, Examiner Nguyen stated it was Applicant's responsibility and within Applicant's discretion to determine, identify and elect as appropriate the claims which read upon species (i.e., embodiment) 1 depicted in (i) FIGs. 4 and 7, and/or (ii) species 2 depicted in FIGs. 6 and 8.

Identification and Election

Applicant asserts the following:

Group I claims include claims 1-34.

Under Group I:

Generic claims include: 1, 2, 5, 16, 21-25 and 28-34;

Species/embodiment 1 claims include: 3, 6-15, 17-20 and 26; and

Species/embodiment 2 claims include: 4 and 27.

Group II claims include claim 35 only.

Applicant elects Group 1, species 1, claims 3, 6-15, 17-20 and 26.

A feature distinguishing species/embodiment 1 (FIGs. 4/7) from species/embodiment 2 (FIGs. 6/8) is that embodiment 1 includes a detector system having both a *transmitter and a receiver* embedded in a moving belt so that the two move together with the belt, whereas embodiment 2 includes a detector having a transmitter *fixed* relative to the moving belt.

Preliminary Amendments

Independent claim 1 is amended to recite the distinguishing feature of species 1 mentioned above. Claim 1 incorporates all of the features of claims 2 and 3, now canceled.

Claims 11-13 and 15 are each amended to depend directly from claim 6.

Independent claim 23 is amended to recite the distinguishing feature of species 1 mentioned above. Claim 23 incorporates all of the features of claims 24-26, now canceled.

If the Examiner believes, for any reason, that personal communication will expedite prosecution, the Examiner is invited to telephone the undersigned at the number provided.

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